

# IDEA–Reauthorized Statute<sup>1</sup>

## INDIVIDUALIZED EDUCATION PROGRAM (IEP)

(See also Statewide and Districtwide Assessments)

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act will be effective on July 1, 2005, with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements. This document addresses provisions of IDEA regarding the alignment between IDEA and No Child Left Behind, referred to in this document as the Elementary and Secondary Education Act (ESEA) of 1965, which will take effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

### IDEA 2004:

#### 1. Changes regarding present levels of educational performance.

- IEPs must include:
  - Present levels of academic achievement and functional performance; and
  - A statement of measurable annual goals, including both academic and functional goals
- IEPs must include a description of benchmarks, or short-term objectives only for children who take alternate assessments aligned to alternate achievement standards.

[614(d)(1)(A)(i)(I)]

#### 2. Changes regarding assessments in the IEP.

- A statement of any individual appropriate accommodations that is necessary to measure:
  - Academic achievement and functional performance on statewide and districtwide assessments.
- If the IEP team determines that the child will take an alternate assessment, a statement must be provided that indicates why the IEP team selected a particular alternate assessment, and why it is appropriate for the child.

[614(d)(1)(A)(i)(VI)(aa),(bb)(BB)]

#### 3. Changes to annual goals.

- IEPs are required to include:
  - A statement of measurable annual goals, including academic and functional goals.

[614(d)(1)(A)(i)(II)]

#### 4. Changes to measuring progress and reporting.

- IEPs are required to include:
  - A description of how the child's progress toward meeting the annual goals will be measured; and
  - A description of when periodic progress reports will be provided to the parents.
- Reporting may include:
  - Quarterly reports; or
  - Other periodic reports concurrent with issuance of report cards.

[614(d)(1)(A)(i)(III)]

## **5. Changes to statement of services.**

Adds to the statement of the special education and related services and supplementary aids and services, for the child or on behalf of the child—that they be based on peer-reviewed research, to the extent practicable. [614(d)(1)(A)(i)(IV)]

## **6. Changes to transition requirements.**

Beginning not later than the first IEP to be in effect when the child turns 16 [note: eliminates age 14 requirements] and then updated annually thereafter, the IEP must include:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and independent living skills, where appropriate;
- Transition services needed to assist the child in reaching those goals, including courses of study; and
- Beginning not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to him or her on reaching the age of majority.

[614(d)(1)(A)(i)(VIII)]

## **7. Requirements for children with disabilities transferring within a state and between states.**

- Within-state transfers:
  - In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same state, the new local educational agency (LEA) must provide such child with a free appropriate public education (FAPE), including services consistent with the previous district's IEP, in consultation with parents, until it adopts the previously held IEP or develops and implements a new IEP that is consistent with federal and state law.

[614(d)(2)(C)(i)(I)]

- Between-state transfers:
  - In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another state, the new LEA must provide such child with FAPE, including services consistent with the previous IEP, in consultation with parents, until the new LEA conducts an evaluation pursuant to Section 614(a)(1), if determined to be necessary by such agency, and develops a new IEP that is consistent with federal and state law.

[614(d)(2)(C)(i)(II)]

- Transmittal of records—to facilitate the transition for a child described above, the new school shall take reasonable steps to promptly obtain and transfer the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school; and the previous school must take reasonable steps to promptly respond to such request.

[614(d)(2)(C)(ii)]

## **8. Rule of construction.**

Nothing in Section 614 shall be construed to (1) require that additional information be included in a child's IEP beyond what is explicitly required in Section 614, or (2) require the IEP team to include information under one component of a child's IEP that is already contained under another component of such IEP. [614(d)(1)(A)(ii)]